

**REMARKS**

Applicants respectfully traverse the Restriction Requirement. This case was restricted previously. The claims have not been changed in a way that could possibly change their classification. Moreover, this current action states that "Inventions Group I and Group II are related as subcombinations ...", "Inventions Group I and Group III are related as process (Group I) and apparatus (Group III) for its practice", "Inventions Group I and Group IV are related as process and apparatus for its practice", "Inventions Group I and Group V are related as process and apparatus for its practice", "Inventions Group II and Group III are related as process and apparatus for its practice", "Inventions Group II and Group IV are related as process and apparatus for its practice", "Inventions Group II and Group V are related as process and apparatus for its practice" and "Inventions Groups III, IV and V are related as subcombinations." It seems all the groups are related.

This application was filed March 14, 2001, and claimed priority of an earlier filed provisional application. Nearly three and one half years later, on August 23, 2004, the undersigned was telephoned with a Restriction Requirement. That earlier Restriction Requirement asserted that Group I included claims 1-7 and 11-40, and Group II included Claims 8-10. The undersigned promptly elected Group I.

Two weeks later, on September 7, 2004, a first Office Action was provided which rejected the claims. Four months passed, until official action was again taken. The response to the rejections was not addressed. Instead, the claims were subjected to a further Restriction Requirement, even though only one of the independent claims was amended, and certainly not in a way that could possibly have caused it to change species of invention.

This current action can only cost the Applicants substantially more expense in terms of official fees to pursue the restricted claims in divisional applications and substantial additional unnecessary delay. As the classifications for the claims remain unchanged since the first Restriction Requirement, there is no reason that this Restriction Requirement, even if warranted, could not have been made previously. Further, there is no reason for the applicant to be subjected to this additional loss of enforcement period.

The September, 7, 2004, Official Action also rejected the elected claims. At great effort and expense, a response to the rejections was formulated and filed on November

22, 2004. The current Restriction Requirement fails to address the Applicants' arguments and amendments entirely.

Applicants respectfully submit that the Claims 1-7 and 11-40 are in a condition for allowance, and allowance at an early date would be appreciated. Moreover, Applicants respectfully submit that the elected Claims 11-22 should be promptly allowed. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: 5-2-05

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**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 5-2-05 By Thomas B. Haverstock